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18 *Attorneys for Lead Plaintiff*

19 **UNITED STATES DISTRICT COURT**
20 **DISTRICT OF NEVADA**

21 DANIEL E. SIEGGREEN, Individually and On
22 Behalf of All Others Similarly Situated,

23 Plaintiff,

24 v.

25 LIVE VENTURES INCORPORATED, JON
26 ISAAC, and VIRLAND A. JOHNSON,

27 Defendants.

Case No. 2:21-cv-01517-CDS-EJY

**STIPULATION TO VACATE
DISCOVERY PLAN/SCHEDULING
ORDER DEADLINE AND [PROPOSED]
ORDER**

Judge: Hon. Cristina D. Silva

1 Pursuant to LR IA 6-1, LR IA 6-2, and LR 7-1, Lead Plaintiff Daniel E. Sieggreen
 2 (“Plaintiff”) and Defendant JanOne Inc. (“Defendant”), by and through their respective counsel,
 3 hereby agree and stipulate, subject to this Court’s approval, to vacate and reset the deadline for
 4 discovery plan/scheduling order, pending the outcome of Defendant’s pending motion to dismiss
 5 the complaint. This is the parties’ first request for the Court to vacate and reset the discovery
 6 plan/scheduling order deadline. The parties’ request is based on the following:

7 WHEREAS, on March 6, 2023, Plaintiff filed his Amended Class Action Complaint for
 8 Violations of the Federal Securities Laws (Dkt. No. 25, the “Complaint”), which alleges violations
 9 of the Securities Exchange Act of 1934, as amended by the Private Securities Litigation Reform Act
 10 of 1995 (“PSLRA”), 15 U.S.C. § 78u-4, *et seq.*;

11 WHEREAS, the PSLRA sets forth specialized procedures for the administration of securities
 12 class actions, including that: “[i]n any private action arising under this chapter, ***all discovery and***
 13 ***other proceedings shall be stayed during the pendency of any motion to dismiss***, unless the court
 14 finds upon the motion of any party that particularized discovery is necessary to preserve evidence
 15 or to prevent undue prejudice to that party.” 15 U.S.C. 78u-4(b)(3)(B) (emphasis added) (the
 16 “PSLRA Discovery Stay”);

17 WHEREAS, on June 5, 2023, Defendant filed its motion to dismiss the Complaint and the
 18 Court indicated that a discovery plan/scheduling order would be due by July 20, 2023 (Dkt. No. 39);

19 WHEREAS, Plaintiff filed his opposition to Defendant’s motion to dismiss the Complaint
 20 on June 20, 2023 (Dkt. No. 48) and Defendant filed its reply on July 20, 2023 (Dkt. Nos. 56-57);

21 WHEREAS, no party has filed any motion that particularized discovery is necessary to
 22 preserve evidence or to prevent undue prejudice to that party, thus the exception to the PSLRA
 23 Discovery Stay does not currently apply to this action (*see* 15 U.S.C. § 78u-4 (b)(3)(B));

24 WHEREAS, the parties respectfully submit that the statutory PSLRA Discovery Stay applies
 25 to this action during the pendency of Defendant’s motion to dismiss the Complaint, and in the
 26 interests of judicial economy, conservation of time and resources, and orderly management of this
 27 action, the parties should not be required to submit a discovery plan and scheduling order until the
 28

1 Court has decided the pending Defendant's motion to dismiss the Complaint, and that discovery
2 should be stayed until the resolution of Defendant's motion to dismiss the Complaint;

3 NOW, THEREFORE, the parties stipulate and agree, subject to the Court's approval, that:

4 1. The discovery plan and scheduling order deadline of July 20, 2023, shall be vacated and
5 reset to a date following the Court's decision on Defendant's pending motion to dismiss the
6 Complaint and discovery in this action shall be stayed pending the resolution of Defendant's motion
7 to dismiss the Complaint.

8 **IT IS SO STIPULATED.**

9 DATED this 21st day of July, 2023.

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11
12 By: /s/ Natalie S. Pang

13 Andrew M. Muehlbauer, Esq.

14 Nevada Bar No. 10161

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By: /s/ John A. Hunt

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Attorneys for Defendant JanOne Inc.

IT IS SO ORDERED:


UNITED STATES MAGISTRATE JUDGE

Dated: July 22, 2023